IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.MC.No. 2238 of 2007()

CMP.675/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PATTAMBI

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PETITIONER: COMPLAINANT

M/S. SHRIRAM TRANSPORT FINANCE COMPANY
LIMITED, CHITTOOR ROAD, ERNAKULAM.
BY POWER OF ATTORNEY HOLDER, THANGAVELU,
S/O CHITTAMBALAM CHETTIYAR, 2ND FLOOR, SUNSHINE
COMPLEX, T.B.ROAD, PALAKKAD.

BY ADV. SRI.C.HARIKUMAR
SRI.VIZZY GEORGE KOKKAT
SRI.ARAVINDA KUMAR BABU T.K.

RESPONDENTS: ACCUSED

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1. STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

2. M/S P.M.SAINUDHEEN,
S/O MUHAMMED, PACHIKUZHI HOUSE,
ULIYANNUR P.O., ALUVA.

BY P.P. SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

Crl.M.C. NO. 2238 OF 2007

Dated this the 12th day of July, 2007

ORDER

In favour of the petitioner, an order under Sec.451 of the Cr.P.C. has been passed directing release of a vehicle, subject to conditions, to him. The petitioner is aggrieved by the onerous nature of the condition imposed. The condition obliges him to execute a bond for Rs.50,000/- with two solvent sureties each for the like sum. There is a further condition that the sureties must produce solvency certificates issued by the competent authority to prove their solvency.

2. The learned counsel for the petitioner submits that the direction is regarding release of the vehicle for which there was no other claimant at all. The petitioner is willing to produce solvent sureties. But rigid insistence on the production of solvency certificates would entail further unnecessary exposure to sun and rain of the vehicle. It may

be directed that the learned Magistrate may accept the sureties on condition that they produce such documents as would induce the requisite satisfaction in the mind of the court. Rigid insistence on production of solvency certificates may be avoided, submits the learned counsel for the petitioner.

3. I find merit in that prayer. I am satisfied that it is not necessary to insist on production of solvency certificates invariably. The learned Magistrate can be directed to consider the solvency and acceptability of the sureties on whatever material is placed before the learned Magistrate and if the same inspires confidence, accept the same without rigid insistence on the production of solvency certificates

4. This Crl.M.C. is accordingly allowed to the above extent.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge